IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET
CIVIL APPLICATION NO.5875 OF 2005
IN
FIRST APPEAL ST.NO.22704 OF 2005

Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

CORAM: A.S.OKA, J.
DATED: JULY 19, 2006.

P.C.:

1. Heard Advocate for the Applicant and Advocate for the Respondent. Perused the Affidavit-in-reply.

2. Application is strongly opposed by the Advocate for the Respondent. In paragraph Nos.5 and 6, the Applicant has assigned reasons for delay of 910 days. Though the delay is of more than 900 days, it cannot be said that there is any negligence on the part of the Applicant. Even if delay is condoned, prejudice which will be caused to the Respondent can be compensated by ordering payment of costs.

3. Hence, Rule is made absolute in terms

of prayer clause (a) subject to the condition of the Applicant paying costs of Rs.5,000/- to the Respondent within a period of six weeks from today. Payment of costs will be a condition precedent. Deposit of the amount of Rs.5,000/- in this court will be treated as sufficient compliance of this order.

Judge.